

STATE OF COLORADO

Bill Ritter, Jr., Governor
James B. Martin, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
TDD Line (303) 691-7700
Located in Glendale, Colorado

Laboratory Services Division
8100 Lowry Blvd.
Denver, Colorado 80230-6928
(303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

December 4, 2008

Joseph V. Croke, Mayor
Town of Rico
PO Box 9
Rico, CO 81332

Re: Status of Rico Soils Voluntary Cleanup Review.

Dear Mr. Croke:

Recent events cause me to contact the Town of Rico as a co-applicant to the Voluntary Cleanup Plan (VCUP) submitted by Atlantic Richfield Company (ARCO). This letter is to remind the Town of the critical role it must still play for the long term successful implementation of the voluntary cleanup. As cleanup of the residential yards is nearly complete it is necessary to ensure that future development or redevelopment of properties in the Town can proceed smoothly without jeopardizing the completed cleanup or posing a potential threat to public health or the environment.

The Town has been working with ARCO and the Colorado Department of Public Health and Environment (CDPHE) to draft a local ordinance (Institutional Controls or "IC's") acceptable to the Town and considered to be a critical component of the VCUP under review. In addition to the local ordinance, it is still necessary to craft a plan to address contaminated streets and capping of certain locations within the River Corridor. These remaining components when deemed protective of public health and the environment will constitute an approved Voluntary Cleanup Plan. Approval of a VCUP is necessary to maintain the forbearance of the US Environmental Protection Agency from taking further action under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA or 'Superfund') which was the goal of all the applicants when they agreed to enter into the Voluntary Cleanup Program with the State of Colorado.

Of all the unique capabilities of the applicants, the Town is the only entity capable of adoption and adequate enforcement of IC's in order to protect residents from future potential threats posed by contaminated soils that remain within Town boundaries. Therefore, in order to continue moving this site toward approval of a Voluntary Cleanup Plan and future protection of public health we urge the Town to adopt the IC's at its next meeting.

If you have any questions, please contact me at (303) 692-3449.

Sincerely,

Mark E. Walker
Voluntary Cleanup Program

Cc: Johanna Miller, EPA Region 8
RV040220-1